

IN THE U.S. DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

APRIL BAYLIS, :
:
Plaintiff, :
:
v. : C. A. No. 04-1462-KAJ
:
RED LION GROUP, INC., a corporation of :
the State of Pennsylvania, :
:
Defendant. :

**APPENDIX TO DEFENDANT'S OPENING BRIEF IN
SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

/s/ Norman H Brooks, Jr.

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DATED: August 5, 2005

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AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :

: SS

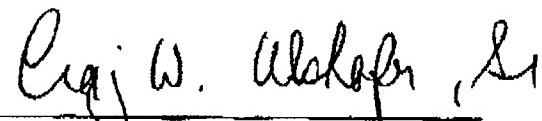
COUNTY OF BUCKS :

BE IT REMEMBERED that on this 5th day of August, 2005, personally appeared before me the subscriber, a Notary Public in and for the Commonwealth and County aforesaid, Craig Ulshafer, being by me duly sworn according to law, who did depose and say as follows:

1. I am over the age of eighteen years.
2. I am of sound mind and am competent to make this Affidavit.
3. I am currently employed by Red Lion Group, Inc. and have been so employed for approximately 25 years. I am familiar with Red Lion Group, Inc.'s practices and procedures.
4. In order to prepare this Affidavit, I have also reviewed the documents associated with the recharging, inspection, and delivery of fire extinguishers to Honeywell International, Inc. on November 13, 2002.

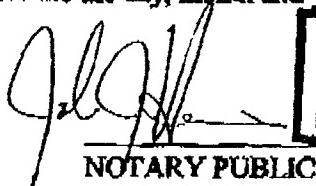
5. Prior to delivery, the fire extinguishers were recharged, inspected and determined to be safe and in good working order.
6. On that day, a Red Lion Group, Inc. employee delivered 21 fire extinguishers to Honeywell at 6100 Philadelphia Pike, Claymont, DE 19703 to be used for a hands-on fire demonstration on November 14, 2002.
7. The fire extinguishers were transported upright in a boxed step van containing e-channel metal tracking that was bolted to the sides and were secured using ratchet strap belts.
8. The fire extinguishers were delivered to, and accepted by, a Honeywell employee.
9. Upon delivery, control of the fire extinguishers was relinquished to Honeywell employees.
10. Red Lion Group, Inc. would ordinarily send its own instructor to conduct such a training. However, in this instance, Honeywell decided to provide its own instructor to conduct this training. Therefore, no Red Lion Group employee was present during the hands-on demonstration during which Plaintiff was injured.
11. From the time of delivery until the time of Plaintiff's injury, no Red Lion Group employee had control or custody of the subject fire extinguishers.
12. November 13, 2002 until November 15, 2002, the 21 fire extinguishers were in the custody and control of Honeywell, not Red Lion Group, Inc.
13. After the incident giving rise to this litigation, Russell W. Davis, Honeywell's Health, Safety & Environment Specialist, placed a "Danger - Do Not Use" tag on the allegedly defective fire extinguisher.

14. The extinguisher tagged by Mr. Davis was a 5 lb. CO₂ extinguisher manufactured by Fyr-Fyter 1968 with the serial number M-231123.
15. Upon receipt of this extinguisher, Red Lion inspected it, discharged it, recharged it and discharged it again and found no evidence of any defective condition.
16. Further Affiant saith naught.

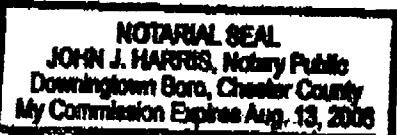


Craig W. Ulshafer, Sr.
Red Lion Group, Inc.

SWORN TO and SUBSCRIBED before me the day, month and year first above written,



NOTARY PUBLIC



1 A. At Omega.

2 Q. And she is a Honeywell
3 physician?

4 A. They're contracted with
5 Honeywell. They're not paid -- they're not
6 Honeywell employees.

7 Q. Was Dr. Taylor already in the
8 hospital?

9 A. And remember, I can't remember
10 if her name is Taylor or not.

11 Q. Dr. T.

12 A. Thompson. I think that might
13 be it.

14 Q. Well, we'll just call her Dr.
15 T. right now.

16 A. Okay.

17 Q. Was Dr. T. already in the
18 hospital or was she on call somewhere? How
19 did that happen?

20 A. She's at Omega, and they took
21 me down to Omega.

22 Q. So it's not the hospital.
23 It's the Omega --

24 A. Medical Center.

1 Q. Across the street from the
2 hospital?

3 A. Correct.

4 Q. So you never went to the
5 Emergency Room then?

6 A. That's correct.

7 Q. Did you see Dr. T. just the
8 one time on the day of the incident?

9 A. No, I saw her several times.
10 Follow-ups.

11 Q. You also saw Dr. MacEwen?

12 A. Correct.

13 Q. Where is Dr. MacEwen's office?

14 A. He's in Omega.

15 Q. How many times did you see
16 him?

17 A. Four maybe.

18 Q. What did he do for you?

19 A. He basically looked at my
20 hand. He didn't do a whole bunch above and
21 beyond that. He referred me to physical
22 therapy.

23 Q. Let's back up. Let me take a
24 little more detail and then I'll come

1 grab another one. And I put it down and
2 grabbed another one, pulled the pin, put
3 the fire out, and then that's -- I went to
4 set that down and I said, Jerry, that hurt
5 my hand. And this all was a matter of 20
6 to 30 seconds. It was very, very fast.
7 And as soon as I finished, my hand was
8 white. My entire hand was white, like snow
9 white.

10 Q. Well, which fire extinguisher
11 was leaking? The first one --

12 A. The first one.

13 Q. You picked up the first one --

14 A. Nothing was coming out of the
15 hose on the first one.

16 Q. Did you squeeze the trigger?

17 A. Yes.

18 Q. Are you sure you squeezed the
19 trigger --

20 A. Oh, absolutely. You have to.

21 Q. You squeezed the trigger
22 completely and you start to sweep, and then
23 you're saying it's not working? Or what
24 are you saying?

1 A. It's not working. I'm -- I
2 mean, it was a little confusing right at
3 that point in time because, you know,
4 what's supposed to be happening is not
5 happening. What I just got trained and
6 shown to happen is not happening.

7 Q. I take it when you're
8 squeezing the trigger, you don't realize
9 that it's leaking at that point?

10 A. I don't realize that it's
11 leaking onto my hand. I mean, not me, in
12 particular. John knew it was leaking, and
13 we knew the stuff is coming out because you
14 can see it. It kind of gives a
15 little. . .

16 Q. Let's back up to that point.
17 The point where you squeeze the trigger,
18 your hand is on the hose and you're
19 sweeping?

20 A. My right hand; yes.

21 Q. And you're looking at the
22 fire?

23 A. Right.

24 Q. And you're squeezing the

1 trigger?

2 A. Right.

3 Q. Do you see anything come out
4 of the end of the fire extinguisher --

5 A. No; nothing came out the end.

6 Q. At that point, then, did you
7 look to your hand or does anything draw
8 your attention or suggest to you that the
9 thing is leaking other than John saying,
10 it's leaking?

11 A. I knew something was wrong
12 because the -- you could see the chemical
13 coming out.

14 Q. Of where?

15 A. But it's not coming out of the
16 fire extinguisher.

17 Q. Where on the fire extinguisher
18 is this chemical coming out?

19 A. From the nozzle area, but I
20 can't tell you exactly. It's from the
21 nozzle area. From the top of the
22 extinguisher where the -- you know, the
23 silver pieces are on the top. If you have
24 pictures, I could show you.

1 Q. Did you feel any pain at that
2 point?

3 A. No. No. It was probably 20
4 minutes.

5 Q. And John says, it's leaking.

6 A. John was saying it's leaking
7 and it's, I mean, quick. We're talking
8 very fast.

9 Q. And then what did he tell you
10 to do when he said it's leaking?

11 A. Jerry said, put it down and
12 grab another one.

13 Q. Those were the only
14 instructions you received?

15 A. Yes, basically.

16 Q. And what --

17 A. At that point in time; yes.

18 Q. And what did you do at that
19 point?

20 A. I grabbed another fire
21 extinguisher and put the fire out.

22 Q. And where did you grab that
23 fire extinguisher from?

24 A. We have the fire extinguishers

1 realize that you felt pain?

2 A. I said to Jerry right away,
3 that hurt my hand. But like my hand was
4 stiff and it was white.

5 Q. What was stiff and white?

6 A. My hand. My left hand.

7 Q. Was the part that eventually
8 blistered, was that the part that was
9 white?

10 A. My whole hand was white.

11 Q. The whole back side of the
12 hand?

13 A. My whole hand; front and back.

14 Q. Was it white because there was
15 a film --

16 A. It was frozen.

17 Q. -- or mist or chemical --

18 A. No; it was frozen.

19 Q. After you said, that hurt my
20 hand, and put the extinguisher down, what
21 happened?

22 A. I think Jerry said, show
23 John. Because I turned around and I looked
24 at John, and he said, you should have that

1 looked at. And then I went back over with
2 the group. I was waiting for Laurie to
3 finish her turn. And the guys that had
4 been standing there, I showed them and they
5 said, you need to go have that looked at.

6 Q. How long did it take Laurie to
7 get her training?

8 A. She was trained the same time
9 I was. So the only thing she had to do was
10 put the fire out. So it was just another
11 matter of seconds.

12 Q. And after you watched her put
13 her fire out, then you --

14 A. We headed back up to the
15 office.

16 Q. Did you receive any medical
17 attention on site?

18 A. Yes.

19 Q. Where did you go for that?

20 A. I went right back up to my
21 office, which is the main building. I
22 showed my boss and I told him what
23 happened, and he called the Health and
24 Safety Manager. And that's when the Health

1 you. I'm not sure what the timing was.

2 Now, along with him there is
3 another person involved. Our safety
4 manager is also a coordinator so he helps
5 with this. It's more than a one man job.

6 Q. Who was the safety
7 coordinator?

8 A. His name is Russ Davis.

9 Now, he wasn't there at the plant at the
10 time this incident occurred. He's come
11 since then. At least I'm not sure if he
12 was. Let me see, was he there? He may
13 have been at the plant, I'm sorry. Yeah,
14 he may have been at the plant at the
15 time, yes.

16 Q. Did Mr. Davis play any
17 leadership role in the HAZMAT taking
18 ownership of safety day in November 2002?

19 A. No. No.

20 Q. What did you and/or Jerry do
21 once you learned that HAZMAT was going to
22 take ownership of the fire extinguisher
23 training again during the year 2002?

24 A. Okay. The safety day was, I

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1 believe, from 8:00 in the morning until
2 4:00 in the afternoon. What we did, we
3 set up a schedule of people to come to
4 the area where we were doing the training
5 and we put it in blocks of two hours each
6 so that Jerry and I were on this one
7 block -- I believe it was -- does that
8 tell you what the time was?

9 It was like 10:00 in the
10 morning or noon maybe, something like
11 that that we had. And there were others
12 that had a block before us and also a
13 block after us so that there were pairs
14 of HAZMAT people every two hours. Is
15 that clear? Do you understand?

16 Q. Let's make sure that's
17 clear. You had teams of instructors, two
18 instructors per team?

19 A. Right. That's correct.

20 Q. They each taught a block of
21 time how long?

22 A. Of two hours. Let me
23 reclarify that. From 8:00 to 10:00 there
24 were two instructors and what these two

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1 instructors did when the folks got to the
2 site was help them through the use of a
3 fire extinguisher.

4 I believe prior to this
5 there was some classroom training on the
6 fire extinguishers. And one of the
7 things that we had to do when they came
8 to the site for the actual use of the
9 extinguisher was to reemphasize the
10 acronym PASS, P-A-S-S. This is part of
11 their training. What that stands for is
12 pull the pin, aim, squeeze and sweep.

13 And what this training does
14 is puts in their minds that acronym so
15 that if they get in a situation where
16 there is a problem and they suddenly
17 forget how to use the extinguisher that
18 goes through their head and they go
19 through the exercise.

20 Before they were using the
21 extinguisher we had asked them each
22 what's the acronym and what's it mean and
23 do it.

24 Q. Let me back up just a

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1 boneyard. It's a fenced in area -- I'm
2 sorry, it was in Pennsylvania, not
3 Delaware. It's the other way around.

4 Q. What was the address for it?

5 A. The address?

6 Q. Right.

7 A. It was 6100 Philadelphia
8 Pike.

9 Q. Now, is that the same
10 address where the plaintiff, April
11 Baylis, worked?

12 A. Yes, that's correct.

13 Q. Did you teach any of these
14 blocks of time?

15 A. Well, when you say teach
16 that's stretching it, I think. What we
17 were doing in this boneyard with the fire
18 extinguisher is actually watching these
19 folks use the extinguishers. Most of
20 them never used one in their lives and
21 this is a good chance for them to get to
22 use one.

23 I believe the classroom
24 training was one issue, the actual usage

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1 was with the hands-on. Our job was to do
2 the hands-on. We didn't really do any
3 instructing, other than going through
4 that acronym of PASS so that when they
5 came to the boneyard all they were going
6 to do is use that extinguisher to put the
7 flame out.

8 What we had was a pan of
9 kerosene which we ignited or we lit. Our
10 job primarily is to make sure they didn't
11 get too close to it and get burned.

12 Q. Where was the classroom
13 training being given?

14 A. It was being given in one of
15 our conference rooms and, again, I'm not
16 sure which one.

17 Q. How many people were given
18 the classroom training?

19 A. Every one should have
20 received the classroom training.

21 Q. Every employee should have
22 received it?

23 A. Yes. Yes.

24 Q. Then did every employee also

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1 lit and it was burning and she asked us
2 what do I do and we told her, go through
3 your acronym again and she pulled the
4 pin, she squeezed the handle and she
5 aimed the unit and almost as fast as she
6 aimed the unit you could see the CO2 come
7 out to put the fire out but you could
8 also see it wisping around the area of
9 the handle.

10 Now, at that time we didn't
11 realize that the unit was leaking. April
12 shut it off and she said something is
13 coming out on my hand see so we had her
14 put it down. Now, with CO2, there's an
15 extinguisher there, the whole top of the
16 unit ices up so you can't really tell
17 where it's coming from, but as it cooled
18 down I could see it was coming from, I
19 guess, that tubing on the side there.

20 Our main concern wasn't
21 really that at the time it was her having
22 a burned hand. So we told her whether
23 it's cold or hot it's a burn so we
24 instructed her to go back to her office

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1 area and put her hand in cold water and
2 then if that didn't help it put her hand
3 in ice water, ice floating in water and
4 if it got any worse than that we told her
5 they'd send her to an Omega, which was
6 our medical facility that we send our
7 folks to.

8 Q. When she arrived at the
9 boneyard the flame was already lit?

10 A. No, sir. No. There were
11 people before her that were going through
12 that, we were putting it out. When they
13 put it out we didn't light it until the
14 next person came up. That flame would
15 hold its heat for a couple minutes. You
16 would probably reignite quite easily
17 within a couple of minutes. It wasn't
18 that cold that quickly. I know it was
19 cold out but it didn't get that cold that
20 quickly.

21 Q. Who ordered the fire
22 extinguishers?

23 A. I honestly don't know.

24 Q. Did you order the fire

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1 bigger than I thought she picked up,
2 though. I think she had a smaller one
3 than that. But, yes. Yes, we did.

4 Q. Do you know whether any five
5 pound extinguishers were ordered that
6 day?

7 A. I don't know what was
8 ordered. I didn't order anything so I
9 don't know what was ordered.

10 Q. Do you know what was being
11 used that day?

12 A. There were a variety. I
13 can't tell you what the weights were.
14 Just the size alone doesn't mean it's 5
15 pounds or 10 pounds or whatever. It
16 tells you on there. Dry chems are a
17 little bigger than the CO2s -- or, I'm
18 sorry, the other way. The CO2's bigger
19 than the dry chems.

20 Q. What size fire extinguisher
21 was April Baylis using when this
22 happened?

23 A. I can't be sure. I thought
24 it was smaller than these. They had the

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1 same adapter on them but I think it was
2 smaller than these.

3 Q. When you say these, what
4 size are these, if you know?

5 A. Can I look at it?

6 Q. Sure.

7 A. This says 5 pound. I
8 thought the one she had was a lot smaller
9 than this. That's a 5 pounder.

10 Q. Do know if she was using a 5
11 pounder or 10 pounder?

12 A. I'll tell you, I don't
13 recall. I really don't recall.

14 Q. Did Honeywell have the 5
15 pound fire extinguisher similar to the
16 one you just held in your hand available
17 on safety day, November 14, 2002?

18 A. I'm trying to think. The
19 ones that were there were brought in
20 especially for safety day. I don't know
21 if we had the 5 pounders available or
22 not, sir. The only ones I know are the
23 ones the HAZMAT team has.

24 We have a HAZMAT vehicle and

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1 we have, I believe, 20 pounders and 30
2 pounders in that truck. I don't know
3 what was in the plant at the time.

4 We didn't have that type.
5 That type has the metal hose that comes
6 down and hits the cone. Most of ours are
7 usually rubber or they're different --
8 it's a different connection than what
9 this pipe is. This was something that is
10 out of the ordinary.

11 Q. Where were the fire
12 extinguishers that Red Lion produced for
13 this event stored from the time they were
14 received until the time that they were
15 used in the boneyard?

16 A. They were probably stored in
17 our storeroom until such time as they
18 were needed then they were transported
19 out to the boneyard.

20 Q. Did you make any effort to
21 inspect the extinguishers upon being
22 received by Honeywell?

23 A. I didn't receive them so,
24 no, I would not have inspected them. No.

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1 was wrong or what happened. But as I
2 said, physically you can't really see
3 what could have occurred there.

4 Q. Did you complete any sort of
5 an incident report following this event?

6 A. I did not but I think the
7 company did, yes.

8 Q. Were you asked to give any
9 input for that incident report?

10 A. Not that I recall. I think
11 Jerry may have. I don't recall doing an
12 incident report, no.

13 Q. Can you describe for me what
14 training you have had on fire
15 extinguisher use, particularly the CO2?

16 A. Okay. As I said, there was
17 incident commander training that we put
18 our people through. Before that I took
19 incident commander training down at the
20 University of Texas in Houston. They
21 have a fire school down there that's
22 strictly for fire people.

23 Before Honeywell came to be
24 there was an Allied Signal group and

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1 there was an Allied Chemical before that
2 and during that period of time I was the
3 fire brigade commander as well as the
4 HAZMAT coordinator, so we took very
5 rigorous training in fire handling.

6 We also went to Delaware
7 fire school, Delaware State Fire School,
8 which is down in Dover, Delaware. We
9 take fire brigade one, two and three. So
10 I had all three of those trainings as
11 well as the Texas AM Fire School.

12 Q. How long is fire brigade
13 one?

14 A. Fire brigade one is five
15 days.

16 Q. Fire brigade two?

17 A. Fire brigade two I think was
18 only three days.

19 Q. And fire brigade three?

20 A. That was maybe two days.

21 Q. They're all at Delaware
22 State Fire School?

23 A. Yes.

24 Q. Are you a volunteer fireman?

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1 A. No, sir, I'm not.

2 Q. With these three, I'll call
3 them schools, under your belt do you have
4 any sort of a certification for this kind
5 of work?

6 A. They gave us a piece of
7 paper, diploma, that's all.

8 Q. I mean, you got a
9 certificate for each course?

10 A. Yes.

11 Q. But like for an EMT, upon
12 completion you get some additional --

13 A. Oh, no. This qualifies you
14 to serve as a firefighter in an
15 industrial setting. It doesn't qualify
16 me to be a volunteer fireman in Delaware
17 or Pennsylvania.

18 Q. It does or does not?

19 A. It does not. This is
20 strictly industrial training.

21 Q. When you looked at the fire
22 extinguisher after the event you were not
23 able to detect any mechanical malfunction
24 in the operation of the fire

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1 of sleep last night?

2 A. Yes, sir.

3 Q. Have you ever given a
4 deposition before?

5 A. Yes, sir.

6 Q. How many times?

7 A. Twice.

8 Q. Were you a party?

9 A. Once in a divorce proceeding
10 so I guess I was a party and then one
11 other time for an incident involving the
12 fire house.

13 Q. Were you a witness?

14 A. A witness.

15 Q. Are you a member of a fire
16 house?

17 A. Yes.

18 Q. Which fire house is that?

19 A. Claymont Fire Company,
20 Station 13, Claymont, Delaware.

21 Q. When did you join that fire
22 house?

23 A. 1983.

24 Q. In what capacity?

1 A. Volunteer firefighter.

2 Q. Is that a junior fireman?

3 A. At that time I was one year
4 junior and then proceeded to go to an
5 active status.

6 Q. When did you complete your
7 training at the Delaware Fire School and
8 become a volunteer firefighter?

9 A. I'm going to say that I
10 completed basic firefighting skills
11 between 1983 and 1985 but still
12 continual, go down to the Delaware State
13 Fire School.

14 Q. Have you ever served as an
15 officer in the fire company?

16 A. Yes, sir.

17 Q. When were those?

18 A. I served as deputy chief of
19 the department for three years. I
20 believe that was from 1998 to 2001.

21 Q. Any others?

22 A. Any others? In previous
23 years I had served as captain, fire line
24 captain, assistant chief and safety

1 were able to extinguish the fire.

2 And then I would light the
3 small pit that was contained in the metal
4 pan and I would let the participant grab
5 an extinguisher. I would walk up with
6 them as they extinguished the fire and
7 walk back out.

8 Q. My understanding is that
9 during 2002 there were two parts to the
10 fire extinguisher training. The one part
11 was the classroom training and the other
12 part was the hands-on training at the
13 boneyard; is that correct?

14 A. To the best of my knowledge
15 I don't feel that's correct. We didn't
16 have classroom training that year.

17 Q. Did you have classroom
18 training in 2001?

19 A. Classroom training -- every
20 one has to go through a one day safety
21 training day in which they review OSHA
22 policies, plant policies, medical record
23 keeping. Once a year there are certain
24 requirements by OSHA and Honeywell that

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1 you have to review everything. And fire
2 extinguisher safety was reviewed in that
3 training but not part of safety day
4 training.

5 Q. Now, the training in 2001,
6 the year before the April Baylis
7 incident, which way was it handled? Was
8 it handled with the separate day
9 designated for the paperwork checkup that
10 you described earlier and the classroom
11 training or did safety day also include
12 the classroom training for the fire
13 extinguisher before someone attempted to
14 put out the fire in the pan?

15 A. I believe in 2001 we had a
16 small portion of classroom in a
17 designated area and then went to a field
18 exercise.

19 Q. You were describing a field
20 exercise I guess I'll ask you to describe
21 what you mean by that and then maybe we
22 can agree to use the term the hands-on
23 training at the pan.

24 A. Yes, sir.

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1 Q. What do you mean when you
2 say the field exercise?

3 A. What I consider a field
4 exercise would be showing again the
5 different type of fire extinguishers,
6 walking through the procedure of
7 extinguishing a fire and then actively
8 lighting a fire in a confined pan and
9 having the participant extinguish that
10 fire.

11 Q. Can you approximate for me
12 the size of the pan?

13 A. The overall pan was
14 approximately five foot by three foot
15 rectangle with a metal lid. It's
16 actually all built out of stainless
17 steel. I elevated the one side so that
18 the actual combustible material we were
19 using that day would stay at the lower
20 end and we wouldn't have to put that much
21 fluid in. The combustible material for
22 the day was diesel fuel.

23 Q. Is that the same as
24 kerosene?

1 A. Basically, yes.

2 Q. When you elevated one end of
3 the pan how high did you elevate it?

4 A. Not -- one inch tops.

5 Q. So then how much of the
6 bottom of the pan surface was covered
7 with liquid when it was elevated in that
8 way?

9 A. I would say you had an area
10 about three foot wide and about four
11 inches up. So I took that pan that was
12 overall five foot and I only put a small
13 amount of combustible liquid in there.

14 Q. So it was only about four
15 inches across the top or four inches deep
16 at that point?

17 A. Deep. It would only be
18 about two inches by the width of the pan.

19 Q. What part, if any, did you
20 play in ordering the fire extinguishers?

21 A. None.

22 Q. Who ordered the fire
23 extinguishers?

24 A. I'm not exactly sure. In

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1 would have been moved out to the
2 boneyard.

3 Q. Do you know for a fact that
4 the fire extinguishers were accepted in
5 the storeroom?

6 A. They were kept until that
7 morning, yes.

8 Q. How do you know where the
9 fire extinguishers were kept that night?

10 A. I remember the question of
11 how we were going to get them from the
12 storehouse to the boneyard.

13 Q. Who did you discuss that
14 with?

15 A. My boss.

16 Q. Who was?

17 A. Jeff Boyle.

18 Q. What's Mr. Boyle's job
19 title?

20 A. Maintenance supervisor.

21 Q. How was that resolved, the
22 issue of transporting them from the
23 storeroom to the boneyard?

24 A. I believe we got a cart with

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1 sides on it and put them inside there and
2 pushed the cart out.

3 Q. Can you describe the cart
4 for me?

5 A. Basic cart of three-foot
6 wide, four-foot long, just a basic
7 utility style cart to push materials.

8 Q. I'm not quite sure what a
9 basic cart is. Is it four wheels or two
10 wheels?

11 A. Oh, I'm sorry. Four wheels,
12 utility cart handle that you just kind of
13 lean against and push the handle -- four
14 wheels, lean against the handle, metal
15 construction.

16 Q. Is it similar to a cart that
17 you would use at a Home Depot or a Lowe's
18 or something like that?

19 A. Yes.

20 Q. Got it. Thank you. Are
21 there any sides on that cart other than
22 the very back?

23 A. This cart that we had had a
24 small four inch.